

# **Schedule 45-11**

## **DEPARTMENT OF LABOR**

### **LABOR STANDARDS PROGRAM**

**April 21, 2015**

Nebraska Records Management Division  
440 South 8<sup>th</sup> Street, Suite 210  
Lincoln, NE 68508  
(402) 471-2559

**REQUEST FOR APPROVAL  
OF RECORDS RETENTION  
AND DISPOSITION SCHEDULE**

SCHEDULE

**45-11**

AGENCY, BOARD OR COMMISSION

**DEPARTMENT OF LABOR**

DIVISION, BUREAU OR OTHER UNIT

**LABOR STANDARDS PROGRAM**

**TO: STATE RECORDS ADMINISTRATOR  
STATE OF NEBRASKA**

**Supersedes Schedule 45-8 Series 45-8-5 through  
45-8-8 Edition of February 16, 2007**

**PART I – AGENCY STATEMENT:**

In accordance with Section 84-1212.01, R.R.S. 1943, approval of the attached records retention and disposition schedule by the State Records Administrator is hereby requested. Retention periods and dispositions have been recommended by this agency after a careful evaluation of all factors listed in Section 84-1212.01, R.R.S. 1943.

SIGNATURE

TITLE

DATE

*John H. Allen*  
*Commissioner*

*4/10/15*

**PART II – APPROVAL OF STATE ARCHIVES:**

The attached schedule has been analyzed, all archival and historical material has been properly identified, no disposition except by transfer to the State Archives has been recommended for such material, and this schedule is approved as submitted.

SIGNATURE

DATE

*Gayle Kattory*

*4/14/2015*

**PART III – APPROVAL OF AUDITOR OF PUBLIC ACCOUNTS:**

The attached schedule has been reviewed, all audit material has been properly identified, and this schedule is approved as submitted.

SIGNATURE

DATE

*Dean Haffner*

*4/14/15*

**PART IV – APPROVAL OF STATE RECORDS ADMINISTRATOR:**

The attached schedule has been reviewed in accordance with Section 84-1212.01, R.R.S. 1943, and is approved as submitted.

SIGNATURE

DATE

*John A. Gace*

*4/21/15*

## **INSTRUCTIONS FOR USING THIS SCHEDULE**

Records retention and disposition schedules are designed to serve as your records management guideline for storing and disposing of agency records, **regardless of the media on which they reside**, including paper, microfilm, diskettes, optical disks, CDs, DVDs, servers, computer hard drives, etc. This schedule was written specifically for records unique to your office and the State Agencies General Records Schedule #124 contains those records common to most state government agencies. This retention schedule, which is approved by the State Records Administrator, provides your only ongoing authority to dispose of records. Listed below are some basic procedures to follow when applying your schedule.

### **DISPOSING OF RECORDS**

1. Check your schedules to see what the retention period is. Note: Your agency's unique schedule will take precedence over State Agencies General Records Schedule #124 for any items which have differences in retention requirements.
2. Dispose of records that have met their retention periods.
3. For records requiring a review of, or transfer to the **NE State Historical Society (State Archives)**, your agency is required to contact the State Archives to negotiate the transfer. Additionally, **once the records are accessioned into their collection, they become the property of the State Archives** (Neb. Rev. Stat. §82-105). The State Archives may remove selected records in accordance with standard archival practices to ensure efficient access, organization and enduring historical value (Neb. Rev. Stat. §82-107). Please contact their office by calling (402) 471-4783.
4. Complete a Records Disposition Report for the records you dispose. The Records Disposition Report form is the 2<sup>nd</sup> to the last page of this schedule. Remove the form, photocopy it, complete the form, make a photocopy for your records, and send the completed form to the Records Management Division at the address below. If you wish, you may receive this form electronically by contacting the Records Management Division. This report establishes that the destruction was performed in your normal course of business.

**Please remember to retain the blank form for future use.**

### **NON-SCHEDULED RECORDS**

Contact a Records Management Specialist in Records Management to see whether the records will fit under an item already on the schedule. If they do not, they must be retained until they are added to the next revision of your schedule.

### **SCHEDULE UPDATE**

It is the responsibility of each agency to periodically update their schedule. A Records Management Specialist in Records Management can assist you with the schedule update, which may involve adding new records series and making revisions to existing items. Keeping your schedule current will ensure you have the ongoing authority to discard records when their useful life has ended.

### **QUESTIONS**

If you have any questions about these procedures, please contact your agency Records Officer or the Records Management Specialist in Records Management. They will help you with any questions the schedule may present, including: transferring records to the State Records Center or microfilming records, scanning records, etc.

**Records Management Division  
440 South 8th Street, Suite 210  
Lincoln, NE 68508-2294  
402-471-2559**

**SCHEDULE 45-11**  
**DEPARTMENT OF LABOR**  
**LABOR STANDARDS PROGRAM**  
**April 21, 2015**

Retention requirements are for all records, regardless of the media on which they reside, unless otherwise noted.

Supersedes Edition of February 16, 2007 Schedule 45-8 Series 45-8-5 through Series 45-8-8

ITEM NUMBER	RECORD TITLE	DESCRIPTION/EXAMPLES	RETENTION	REFERENCE/COMMENTS
45-11-1	<b>CONTRACTOR REGISTRATION &amp; EMPLOYEE CLASSIFICATION RECORDS - CITATION FILES</b>	Citation files are maintained on contractors who violate the Contractor Registration and Employee Classification Acts. These files contain the all investigative materials and evidence, citation letter and citation amount.	<b>10 years after citation date</b>	<ul style="list-style-type: none"> <li>Files are maintained in Lincoln Office</li> <li>Contractor Registration Act, Section 48-2114 R.R.S. 1943</li> </ul>
45-11-2	<b>CONTRACTOR REGISTRATION RECORDS EMPLOYEE CLASSIFICATION ACT RECORDS &amp; INVESTIGATIVE FILES</b>	Files are maintained on Contractors that register under the Contractor Registration Act. These files include proof of workers' compensation insurance, their signed application and a copy of their registration certificate.	<b>ORIGINAL RECORD:</b> 5 years <b>ELECTRONIC RECORD:</b> Backup daily; 5 years <b>SECURITY BACKUP:</b> 5 years	<ul style="list-style-type: none"> <li>Files are maintained in Lincoln Office</li> <li>Contractor Registration Act, Section 48-2114 R.R.S. 1943</li> </ul>
45-11-3	<b>CONTRACTOR REGISTRATION RECORDS- INVESTIGATION FILES</b>	Investigation files are maintained on work sites and complaints from consumers.	<b>3 years after investigation is complete</b>	Files are maintained in Lincoln Office
45-11-4	<b>EMPLOYMENT CERTIFICATES FOR MINORS-CERTIFICATION OF AGE FORMS</b>	Copies of school-issued certification of age forms to children ages 16-18.	<b>2 years after date of issuance</b>	Files are maintained in Lincoln Office
45-11-5	<b>EMPLOYMENT CERTIFICATES FOR MINORS-EMPLOYMENT CERTIFICATES ISSUED</b>	Copies of child labor employment certificates filed pursuant to Chapter 48, Article 3, R.R.S. 1943. Statutes apply only to minors under 16 years of age.	<b>1 year after expiration</b>	Files are maintained in Lincoln Office
45-11-6	<b>EMPLOYMENT CERTIFICATES FOR MINORS-INDEX, EMPLOYER</b>	Numerical index files are maintained on employers issued special permits for employment of children under 16 years of age to be employed past 10 p.m.	<b>5 years</b>	Files are maintained in Lincoln Office
45-11-7	<b>EMPLOYMENT CERTIFICATES FOR MINORS-SPECIAL PERMITS</b>	Employers are issued special permits which allow them to employ children past 10 p.m.	<b>3 years</b>	Files are maintained in Lincoln Office
45-11-8	<b>EMPLOYMENT CERTIFICATES FOR MINORS-STATISTICS, CHILD LABOR</b>	Statistics are gathered quarterly on the number of employment certificates, certification of age forms, and special permits issued to children. Information is included in the agency budget narrative.	<b>3 years</b>	

ITEM NUMBER	RECORD TITLE	DESCRIPTION/EXAMPLES	RETENTION	REFERENCE/COMMENTS
45-11-9	FARM LABOR CONTRACTORS ACT-FARM LABOR CONTRACTORS LICENSING AND CERTIFICATION	Files are maintained on Farm Labor Contractors. Includes licensing, certification and bonding records. Licenses, certificates and bonds are renewed annually. Licenses are issued each April.	<b>ORIGINAL RECORD:</b> 5 years <b>ELECTRONIC RECORD:</b> Backup annually; 5 years <b>SECURITY BACKUP:</b> 5 years	Files are maintained in Lincoln Office
45-11-10	FARM LABOR CONTRACTORS ACT-FARM LABOR CONTRACTORS LICENSING, CERTIFICATION, INVESTIGATION AND INSPECTION INDEX FILE	Index file is maintained electronically for all farm labor contractor licenses, certifications, investigations and inspections.	<b>ELECTRONIC RECORD:</b> Backup after each use; 10 years <b>SECURITY BACKUP COPY:</b> 10 years	Electronic file is maintained in Lincoln Office
45-11-11	FARM LABOR CONTRACTORS ACT-INVESTIGATION AND INSPECTION REPORTS ON FARM LABOR CONTRACTORS	Farm Labor Contractors are investigated and inspected for compliance with the law, which results in written reports.	<b>5 years after investigation is complete</b>	Files are maintained in Lincoln Office
45-11-12	INVESTIGATION RECORDS-INVESTIGATION AND INSPECTION REPORTS	Investigations and inspections are conducted to see that various types of labor laws are enforced. These include minimum wage, wage payment & collection, child labor, service letter, lunch period, right to work, medical examination and other miscellaneous laws.	<b>5 years after investigation is complete</b>	Reports are filed numerically and are maintained in the Lincoln Office
45-11-13	INVESTIGATION RECORDS-INVESTIGATION INDEX FILE	Electronic investigative index file is maintained on all minimum wage, child labor, service letter, lunch period, right to work, medical examination and other miscellaneous law investigations and inspections and their dispositions.	<b>ELECTRONIC RECORD:</b> Backup after each use; 10 years after investigation is complete <b>SECURITY BACKUP COPY:</b> 10 years after investigation is complete	Files are maintained in Lincoln Office
45-11-14	INVESTIGATION RECORDS-INVESTIGATION REPORTS, VETERAN'S PREFERENCE AND VETERAN'S REEMPLOYMENT	State and political subdivisions are investigated upon receipt of complaints from veterans and National Guards members.	<b>5 years after investigation is complete</b>	Files are maintained in Lincoln Office
45-11-15	NON-ENGLISH SPEAKING EMPLOYEES RECORDS-WRITTEN STATEMENTS	Files are maintained on Non-English Speaking Employees. Written statements are signed by the employee and the employer regarding compliance with the Non-English Speaking Employees Law.	<b>1 year</b>	Files are maintained in Lincoln Office

ITEM NUMBER	RECORD TITLE	DESCRIPTION/EXAMPLES	RETENTION	REFERENCE/COMMENTS
45-11-16	PRIVATE EMPLOYMENT AGENCY RECORDS-COMPLAINT INVESTIGATION INDEX FILE	Electronic index file is maintained for all private employment agency complaints and their dispositions.	<b>ELECTRONIC RECORD:</b> Backup for each use; 3 years <b>SECURITY BACKUP COPY:</b> 3 years	Files are maintained in Lincoln Office
45-11-17	PRIVATE EMPLOYMENT AGENCY RECORDS-INVESTIGATION AND INSPECTION REPORTS, PRIVATE EMPLOYMENT AGENCIES	Files are maintained on any Private Employment Agency that is inspected or investigated.	<b>3 years</b>	Files are maintained in Lincoln Office
45-11-18	PRIVATE EMPLOYMENT AGENCY/PROFESSIONAL EMPLOYER ORGANIZATION RECORDS-EMPLOYMENT AGENCY AND PEO LICENSING FILES	Files are maintained on private employment agencies and Professional Employer Organizations. Includes licensing and bonding records. Licenses are renewed annually.	<b>3 years</b>	Files are maintained in Lincoln Office
45-11-19	WORKPLACE SAFETY PROGRAM FILES-EMPLOYER FILES	Employer files, forms used by safety and health consultants, letters from employers, and written narratives of the consultation and abatements.	<b>5 years</b>	
45-11-20	WORKPLACE SAFETY PROGRAM FILES-SAFETY RECORDS	Worker's Compensation Report/Listing is a computer printout. Department of Insurance Report/Listing is a computer printout. This information is provided by the appropriate agency.	<b>2 years</b>	
45-8-8-2	OUT-OF-BUSINESS FILES	Files are maintained on contractors that go out of business and are no longer required to be registered.	<b>Immediately dispose of obsolete records</b>	Obsolete 2010
45-8-6-5	SAFETY RECEIPTS	Receipt transactions for monies received for consultations and bank deposit slips.	<b>Immediately dispose of obsolete records</b>	Obsolete 2005

## RECORDS DISPOSITION REPORT

<b>TO: SECRETARY OF STATE RECORDS MANAGEMENT DIVISION 440 S. 8<sup>TH</sup> STREET SUITE 210 LINCOLN, NE 68508-2294</b>	AGENCY
	DIVISION
	SUB-DIVISION

### REQUIRED INFORMATION:

**In accordance with the Records Management Act, records of this agency have been disposed of under the authorization granted by the following schedule(s):**

SCHEDULE NUMBER(S) ONLY (DO NOT INCLUDE SECTION AND ITEM NUMBERS)	TOTAL VOLUME DISPOSED (SEE REVERSE)

### OPTIONAL INFORMATION (FOR YOUR USE ONLY):

**You may include detailed information which will be useful to you in recording exactly what records were disposed of and under what authority. This might include such things as schedule section and item numbers, title of records, inclusive dates of records, etc. This information is not required to be filed with Records Management.**

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DATE	SIGNATURE
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**SEND ORIGINAL TO RECORDS MANAGEMENT. MAKE A PHOTOCOPY FOR YOUR RECORDS.**

RMA 03006D

## VOLUME ESTIMATING GUIDE

**(PLEASE NOTE THAT FOR REPORTING PURPOSES, A BALLPARK ESTIMATE OF THE TOTAL VOLUME OF MATERIAL DISPOSED IS ADEQUATE.)**

Container	Cubic Feet	Weight (lbs)	Sheets of Paper (8.5" x 11")	Electronic Data Equivalent
			1	20 Kb
			52	1 Mb (1024 Kb)
			53,687	1 Gb (1024 Mb)
N/A	N/A	2,204 lbs (1 metric ton)	220,000	4.1 Gb
Records center carton	1 Cu. Foot	16.66 lbs	1,667	32 Mb
Vertical File Cabinet, 4 drawer letter-size	6 Cu. Feet	100 lbs	10,000	190 Mb
Vertical File Cabinet, 4 drawer legal-size	8 Cu. Feet	133.3 lbs	13,333	254 Mb
About a pickup load	50 Cu. Feet	7,500 lbs	748,638	14 Gb